

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, April 14, 2004
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 9:00 A.M. on Thursday, April 1, 2004, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, April 7, 2004 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov. Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 9:00 A.M. on Thursday, April 1, 2004.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: February 11, 2004.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. Recognition: Resolution of Appreciation for Eric Anderson (tentative Resolution No. R9-2004-0029) (*John Robertus*)

Consent Calendar: Items 6 through 8 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

6. An Emergency Temporary Conditional Waiver of Statutory Requirements to File a Report of Waste Discharge and the Adoption of Waste Discharge Requirements for Management and Disposal of Solid Wastes from the 2003 Wildfire Destruction in the San Diego Region. (Tentative Addendum No. 1 to Resolution No. R9-2003-0391) (*John Odermatt*)
7. NPDES Permit Revision: U.S. Naval Base Point Loma, San Diego Bay (tentative Addendum No. 2 to Order No. R9-2002-0002, NPDES Permit No. CA0109363) (*Paul Richter*)
8. NPDES Permit Revision: U.S. Naval Base Coronado, San Diego Bay (tentative Addendum No. 1 to Order No. R9-2003-0008, NPDES Permit No. CA0109185) (*Paul Richter*)

Remainder of the Agenda (Non-Consent Items):

9. Resolution to State Water Resources Control Board: University of California Scripps Institution of Oceanography, Consideration of Exception to the 2001 California Ocean Plan Exception. (Tentative Resolution No. R9-2004-0013) (*Sabine Knedlik*)
10. Status Report: Discussion of Proposal for the San Vicente Groundwater Basin and Non-compliance with Order No. 93-03, Waste Discharge Requirements for the Ramona Municipal Water District, San Vicente Treatment Plant, San Diego County (*Bryan Ott*)
11. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of

effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61 (*David Hanson*); and the related “Surfrider” case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS) (*David Hanson*)

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (*David Hanson*); and the related case:

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR) (*David Hanson*)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Fallbrook Public Utilities District v. State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Case No. GIC 81971; Petition for Writ of Mandate challenging administrative assessment of civil liability based on mandatory minimum penalties for violation of effluent limits in NPDES waste discharge requirements, and failure to amend the NPDES waste discharge requirements. (*Frank Melbourne*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

12. *Executive Session - Consideration of Initiation of Litigation*

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.

13. *Executive Session - Discussion of Pending Litigation*

The Regional Board may meet in closed session to discuss pending litigation.

Chutte & Koerting, Inc. and Ametek, Inc v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region

14. *Executive Session - Personnel*
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
15. Arrangements for Next Meeting and Adjournment
Wednesday, May 12, 2004 - 9:00 a.m.
City of Laguna Beach
City Council Chambers
505 Forest Avenue
Laguna Beach, California

Notifications

- A. Addendum No. 3 to Cleanup and Abatement Order No. 2001-226 was issued on March 17, 2004, to Kanwar and Ragini Narain, Narain Oil Inc., Ajkeraka Inc., AgriCare Properties, LLC, Caldwell Family Trust, Summit Energy Corp., and Summit Oil & Gas. The addendum orders the new site owner, AgriCare Properties, LLC, to cleanup and abatement the effects of petroleum hydrocarbon pollution at 28111 Front Street, Temecula, along with those previously ordered to do so. (*Jody Ebsen*)
- B. On May 12, 2004 the Regional Board will consider assessment of Civil Liability containing Mandatory Minimum Penalties for Effluent Violations against the following dischargers for violations of effluent limitations established in NPDES permits:
 1. **City of San Diego, San Diego Convention Center**
Complaint No. R9-2004-0067 for a \$9,000 Mandatory Minimum Penalty for violation of effluent limitations established by Order No. R9-2003-0050 (NPDES No. CA0109029), *Waste Discharge Requirements for Groundwater Extraction Waste Discharges to San Diego Bay, San Diego County.* (*Rebecca Stewart*)
 2. **San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility**
Complaint No. R9-2004-0068 for a \$12,000 Mandatory Minimum Penalty for violation of effluent limitations established by Order No. 99-71 (NPDES No. CA0107999), *Waste Discharge Requirements for the San Elijo Joint Powers Authority, San Elijo Water Reclamation Facility, Discharge to the Pacific Ocean via the San Elijo Ocean Outfall.* (*Rebecca Stewart*)
 3. **Southland Corporation/7-Eleven Store No. 20342**
Complaint No. R9-2004-0059 for a \$3,000 Mandatory Minimum Penalty for violation of effluent limitations established by Order No. 96-41 (NPDES No. CAG919002), *General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges From Construction and Remediation Projects to Surface Waters within the San Diego Region, Except for San Diego Bay.* (*Frank Melbourne*)
 4. **Southland Corporation/7-Eleven Store No. 22894**
Complaint No. R9-2004-0061 for a \$9,000 Mandatory Minimum Penalty for violation of effluent limitations established by Order No. 96-41 (NPDES No. CAG919002), *General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges From Construction and Remediation Projects to Surface Waters within the San Diego Region, Except for San Diego Bay.* (*Frank Melbourne*)

The dischargers named above may waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the May 12, 2004 Board meeting. Public comments regarding the allegations in the Complaints will be accepted through June 1, 2004.

- C. Notice of Comment Period Assessment of Civil Liability containing \$12,000 Mandatory Minimum Penalties:

Sea World San Diego

On March 23, 2004, the Executive Officer issued Complaint No. R9-2004-0085, Administrative Assessment of Civil Liability with Mandatory Minimum Penalties in the amount of \$12,000, against Sea World San Diego for violation of effluent limitations established by Order No. Order No. 2000-25 (NPDES No. CA0107336), *Waste Discharge Requirements for Sea World San Diego, San Diego County, Discharge to Mission Bay*.

The Regional Board will consider assessment of liability for these violations at the June 9, 2004 Regional Board Meeting. Sea World may waive their right to a public hearing. If a waiver is submitted, the Regional Board will consider acceptance of the waiver at the June 9, 2004 Board meeting. Public comments regarding the allegations in the Complaint will be accepted through May 26, 2004. (Rebecca Stewart)

- D. Notice of 30-day Comment Period for Settlement of Civil Liability Complaint:

San Diego County Water Authority, Bradley Park Pipe Relocation Project

On March 9, 2004 the Executive Officer issued Complaint No. R9-2004-0077, Administrative Assessment for Civil Liability with Mandatory Minimum Penalties in the amount of \$12,000 against the San Diego County Water Authority for violation of effluent limitations established by Order No. 96-41 (NPDES No. CAG919002), *General Waste Discharge Requirements for Groundwater Extraction and Similar Waste Discharges From Construction and Remediation Projects to Surface Waters within the San Diego Region, Except for San Diego Bay*.

On March 18, 2004, the San Diego County Water Authority waived its right to a public hearing on the matter and submitted a \$12,000 check in full settlement of the Complaint. The Regional Board will consider acceptance of the waiver at the May 12, 2004 Board meeting. Public comments regarding the settlement of liability and the allegations in the Complaint will be accepted through April 28, 2004. (Frank Melbourne)

- E. Notice of 30-day Comment Period for Settlement of Civil Liability Complaint:

Kinder Morgan/Mission Valley Terminal

On March 11, 2004 the Executive Officer issued Complaint No. R9-2004-0080, Administrative Assessment for Civil Liability with Mandatory Minimum Penalties in the amount of \$3,000 against Southland Corporation for a violation of effluent limitations established by Order No. R9-2001-0096 (NPDES No. CAG919002), *General Waste Discharge Requirements for Groundwater Extraction Waste Discharges From Construction, Remediation, and Permanent Groundwater Extraction Projects to Surface Waters within the San Diego Region, Except for San Diego Bay*.

On March 24, 2004, Kinder Morgan waived its right to a public hearing on the matter and submitted a \$3,000 check in full settlement of the Complaint. The Regional Board will consider

acceptance of the waiver at the May 12, 2004 Board meeting. Public comments regarding the settlement of liability and the allegations in the Complaint will be accepted through April 28, 2004. (*Frank Melbourne*)

DIRECTIONS TO REGIONAL BOARD MEETING

Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.